

LEVI HUEBNER & ASSOCIATES, PC

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Attorneys for Defendants
IMAGE RENT A CAR INC. and VAN RENTAL CO., INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DIGBY ADLER GROUP LLC,

Plaintiff,

vs.

IMAGE RENT A CAR, INC., et al.,

Defendants.

Case No. 3:10-cv-00617-SC

**OFFER OF JUDGEMENT
PURSUANT TO RULE 68
OF CIVIL PROCEDURE**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Defendants Image Rent A Car, Inc., and Van Rental Co., Inc. (“Defendants”) jointly and severally, offer to stipulate to the entry of judgment in favor of Plaintiff and against Defendants, in the amount of \$1,501.00 (One Thousand Five Hundred and One Dollars). In addition, Defendants, jointly and severally, offer to stipulate to the entry of a Permanent Injunction enjoining the Defendants from using the term BANDAGO as a trademark, or otherwise as a source designator, or website, or trade-name or any other manner.

1 Alternatively; Defendants hereby offer to allow entry of judgment to be taken
2 against them pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows:

3 A judgment in favor of Plaintiff ("Plaintiff") and against Defendants, jointly and
4 severally, of a Permanent Injunction enjoining the Defendants from using the term
5 BANDAGO as a trademark, or otherwise as a source designator, or website, or trade-name
6 or any other manner and judgment in the sum of \$1,501.00 (One Thousand Five Hundred
7 and One Dollars). Defendants shall be obligated to pay \$1,501.00. This shall be the total
8 amount to be paid by Defendants on account of any liability claimed in this action,
9 including all costs of suit and attorneys fees otherwise recoverable in this action by
10 Plaintiff.
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13 If Plaintiff does not accept this offer, it may become obligated to pay Defendants'
14 costs and attorneys fees incurred after the making of this offer.
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16 To accept this offer, Plaintiff must serve written notice of acceptance thereof within
17 fourteen (14) days of the date this offer is made.

18 This offer is not an admission of liability by the Defendants, but rather is made
19 solely for the purpose of compromising a disputed claim.
20

21
22 DATED: October 21,2010

LEVI HUEBNER & ASSOCIATES, PC

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24 BY: /s/ Levi Huebner

Levi Huebner

25
26 Attorneys for Defendants
27 IMAGE RENT A CAR INC. and VAN
28 RENTAL CO., INC.